

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: May 28, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Arnett Bodenhamer
Tim Garrett, Councilmember
William Harbison
James Lawson
William Manier
Ann Nielson
Marilyn Warren

Absent:

Mayor Philip Bredesen
Stephen Smith

Others Present:

Executive Office:

T. Jeff Browning, Executive Director
Carolyn Perry, Secretary II

Current Planning & Design Division:

Ed Owens, Planning Division Manager
Theresa Carrington, Planner III
Jennifer Regen, Planner III
Doug Delaney, Planner II
John Reid, Planner II
Charles Hiehle, Planning Technician II

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Cynthia Lehmbeck, Planner III

Advance Planning & Design:

John Boyle, Planning Division Manager
Jeff Lawrence, Planner III

Others Present:

Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

At the beginning of the meeting, staff listed the deferred items as follows:

44-81-U	Deferred two weeks, by applicant.
203-84-G	Deferred two weeks, by applicant.
94P-012U	Deferred two weeks, by applicant.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to defer the items listed above.

APPROVAL OF MINUTES

Mr. Lawson moved and Mr. Harbison seconded the motion, which unanimously passed to approve the minutes of the regular meeting of May 14, 1998.

RECOGNITION OF COUNCILMEMBERS

No Councilmembers were present to speak at this point in the agenda.

ADOPTION OF CONSENT AGENDA

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously carried, to approve the following items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-089G
Map 34-2, Parcel 43
Subarea 4 (1993)
District 10 (Garrett)

A request to change from R20 to ON District property located on the east margin of Cude Lane (unnumbered), approximately 700 feet south of Gallatin Pike (.49 acres), requested by Bulldog Construction, LLC, appellant, for J. L. Newman et ux, owners.

Resolution No. 98-346

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-089G is **APPROVED (8-0)**:

This property falls at the boundary between the Subarea 4 Plan's Retail Community Concentration (RCC) policy (calling for community-scale retail) along Gallatin Pike and Residential Low (RL), permitting up to 2 units per acre. The ON district is a low intensity district which will provide a transition from the retail policy along Gallatin Pike to the low density residential area to the south."

Zone Change Proposal No. 98Z-091U
Map 105-16, Parcel 254
Subarea 11 (1993)
District 16 (Graves)

A request to change from R6 to CS District property located at 337 Vivelle Avenue, approximately 100 feet east of Nolensville Pike (.26 acres), requested by Virginia Sherling, appellant, for Randolph R. Sherling Sr., et ux, owners.

Resolution No. 98-347

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-091U is **APPROVED (8-0)**:

The CS district is consistent with the Subarea 11 Plan's Commercial Arterial Existing (CAE) policy and the predominant commercial zoning pattern along the Nolensville Pike corridor. Rezoning this property to CS is consistent with the commercial depth of other properties along the Nolensville Pike corridor."

Zone Change Proposal No. 98Z-092U
Map 92-8, Parcel 18
Subarea 8 (1995)
District 19 (Sloss)

A request to change from IR to MUG District property located on the northeast margin of Clinton Street (unnumbered) and 16th Avenue North (2.22 acres), requested by Randall Davis, for J. D. Eatherly, owner.

Resolution No. 98-348

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-092U is **APPROVED (8-0)**:

This property falls within the Subarea 8 Plan's Mixed Use (MU) policy, which calls for a diversity of residential, convenience retail, recreational, community facility, and business uses. The MUG district is consistent with this policy. Since mixed use zoning encourages pedestrian movement through integrating residential, office, and retail uses, it has the potential to lessen the additional traffic impacts from future development."

Zone Change Proposal No. 98Z-093U
Map 72-15, Parcels 227 (.28 acres), 228 (.29 acres),
229 (.29 acres) and 230 (.51 acres)
Subarea 5 (1994)

District 7 (Campbell)

A request to change from R6 to RM6 District properties located at 2500, 2504, 2508, and 2512 Pennington Avenue, approximately 300 feet east of Scott Avenue (1.37 acres), requested by NorSouth Corporation, appellant, for James A. Carpenter, Jr., owner.

Resolution No. 98-349

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 98Z-093U is **APPROVED (8-0)**:

This property falls within the Subarea 5 Plan's Residential Medium (RM) policy, calling for densities between 4 and 9 units per acre. The RM6 district is consistent with this policy and the RM6 zoning pattern emerging in this area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 28-79-G

Cambridge Forest
Map 149, Parcel 319
Subarea 13 (1996)
District 28 (Hall)

A request to revise a portion of the approved preliminary master plan of the Residential Planned Unit Development District abutting the northwest margin of Rural Hill Road, approximately 1,280 feet southwest of Rice Road (30.64 acres), classified R15, to permit the development of 190 townhomes and 268 single-family lots, requested by Anderson-Delk and Associates, Inc., for Double M Partners, owners.

Resolution No. 98-350

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-79-G is given **CONDITIONAL APPROVAL OF REVISION TO PRELIMINARY FOR A PHASE (8-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Providing the Planning Commission staff with a revised phasing plan."

Proposal No. 24-85-P

Forest View North
Map 149, Part of Parcel 189
Subarea 13 (1996)
District 29 (Holloway)

A request to revise the approved preliminary master plan and for final approval for a portion of the Residential Planned Unit Development District abutting the south margin of Anderson Road, approximately 1,000 feet east of Bell Road (17.81 acres), classified R10, to permit the development of 71 single-family lots, requested by Lose and Associates, Inc., for Kate B. Cain, trustee and John Cain, III, owners.

Resolution No. 98-351

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 24-85-P is given **CONDITIONAL PRELIMINARY APPROVAL AS A REVISION, CONDITIONAL FINAL APPROVAL FOR A PHASE (8-0)**. The following conditions apply:

1. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
2. Receipt and approval of revised plans detailing construction of the stub out road to the south with this phase of development.
3. Recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.”

Proposal No. 78-87-P

Fredericksburg Townhomes
Map 171, Part of Parcel 89
Subarea 12 (1997)
District 32 (Jenkins)

A request to revise a portion of the approved preliminary master plan of the Residential Planned Unit Development District abutting the south margin of Old Hickory Boulevard, approximately 670 feet east of Cloverland Drive (9.5 acres), classified R20, to permit the reconfiguration of 70 townhouse units, requested by Anderson-Delk and Associates, Inc., for Radnor Development Corporation, owner.

Resolution No. 98-352

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 78-87-P is given **CONDITIONAL APPROVAL FOR A REVISION TO A PHASE OF THE PRELIMINARY PLAN (8-0)**. The following condition applies:

Written confirmation of preliminary approval from the Stormwater Management and Traffic Engineering Sections of the Metropolitan Department of Public Works.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-360U

Kenneth H. Morgan Property
Map 59, Parcel 193
Map 59-11, Parcel 258
Subarea 3 (1992)
District 2 (Black)

A request to consolidate four parcels into one lot abutting the northwest corner of Lane Drive and Whites Creek Pike (2.47 acres), classified within the CS District, requested by Kenneth Howard Morgan, owner/developer, American Surveying Company, surveyor.

Resolution No. 98-353

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 97S-360U, is **APPROVED (8-0)**.”

Subdivision No. 97S-443G

Windchase
Map 98, Parcel 139
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create seven lots abutting the northeast corner of John Hager Road and New Hope Road (2.83 acres), classified within the R15 District, requested by French River Development Company, LLC, owner/developer, Walter Davidson and Associates, surveyor.

Resolution No. 98-354

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-443G, is **APPROVED SUBJECT TO A BOND OF \$2,000.00 (8-0).”**

Subdivision No. 98S-091G
Westview Plaza, Phase 3
Map 114, Parcels 172 and 308
Subarea 6 (1996)
District 23 (Crafton)

A request for final plat approval to subdivide two parcels into three lots abutting the west margin of Old Hickory Boulevard, approximately 474 feet south of Interstate 40 (3.36 acres), classified within the CL and SCR Commercial Planned Unit Development Districts, requested by Wal-Mart Properties, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 98-355

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-091G, is **APPROVED (8-0).”**

Subdivision No. 98S-093U
OH & E Business Park
Map 161, Parcels 33 and 37
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to subdivide two parcels into two lots abutting the northwest corner of Old Hickory Boulevard and Edmondson Pike (3.49 acres), classified within the CS District, requested by OH & E, LLC, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 98-356

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-093U, is **APPROVED SUBJECT TO A BOND OF \$45,000.00 (8-0).”**

Subdivision No. 98S-171G
The Peninsula, Phase 3, Section 1
Map 97, Part of Parcel 138
Subarea 14 (1996)
District 12 (Ponder)

A request for final plat approval to create 12 lots abutting the northwest terminus of Bay Overlook Drive, approximately 688 feet northwest of Peninsula Park Landing (3.22 acres), classified within the RS15

Residential Planned Unit Development District, requested by The Peninsula, a TN General Partnership, owner/developer MEC, Inc., surveyor.

Resolution No. 98-357

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-171G, is **APPROVED SUBJECT TO A BOND OF \$117,000.00 (8-0).”**

Subdivision No. 98S-173U
Murphy Land Company Division B,
Block 7, Resubdivision of Lot 6
Map 92-11, Parcels 341 and 444-350
Subarea 10 (1994)
District 21 (McCallister)

A request for final plat approval to consolidate 23 lots into four lots abutting the southeast margin of Murphy Avenue, between 20th Avenue North and 21st Avenue North (5.59 acres), classified within the ORI District, requested by Baptist Hospital, Inc., owner/developer, SEC, Inc., surveyor.

Resolution No. 98-358

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-173U, is **APPROVED (8-0).”**

Subdivision No. 98S-175U
C. L. Adams, Jr. Property
Map 60-4, Parcels 42 and 43
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide two parcels into three lots abutting the west margin of Hillside Drive, approximately 171 feet south of Maplewood Lane (1.43 acres), classified within the R10 District, requested by C. L. and Berthel A. Adams, Jr., owners/developers, Gary R. Cummings, surveyor.

Resolution No. 98-359

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-175U, is **APPROVED (8-0).”**

Subdivision No. 98S-179U
Airpark Business Center 14, Lot 1
Map 134, Parcel 275
Subarea 13 (1996)
District 27 (Sontany)

A request for final plat approval to record one parcel as one lot abutting the southwest corner of Harding Place and Airpark Center Drive (4.0 acres), classified within the IWD District, requested by Weeks Realty, L.P., owner/developer Ragan-Smith Associates, Inc., surveyor.

Resolution No. 98-360

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-179U, is **APPROVED SUBJECT TO A BOND OF \$15,300.00 (8-0).”**

Request for Bond Extension:

Subdivision No. 98-73-G
Hickory Hills, Section 7
Hickory Hills, Ltd., principal

Located abutting the northwest quadrant of Old Hickory Boulevard and Hickory Hills Boulevard.

Resolution No. 98-361

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 98-73-G, Bond No. 95BD-060, Hickory Hills, Section 7, in the amount of \$35,000 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 31-86-P
Whitworth, Phase 3, Section 3
Clements-Bartosh Interests, LLC, principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 98-362

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 31-86-P, Bond No. 94BD-095, Whitworth, Phase 3, Section 3, in the amount of \$21,500 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 6/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 90-86-P
Harborview, Section 1 - Final Phase
Precision Homes, Inc., principal

Located abutting the west terminus of Harborwood Circle, approximately 90 feet west of Timber Valley Drive.

Resolution No. 98-363

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 90-86-P, Bond No. 96BD-027, Harborview, Section 1 - Final Phase, in the amount of \$31,000 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 40-87-P
Peninsula Pointe, Phase 1
Butler Development, L.L.C., principal

Located abutting the north margin of Smith Springs Road, approximately 1,268 feet east of Waterford Way.

Resolution No. 98-364

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 40-87-P, Bond No. 95BD-105, Peninsula Pointe,

Phase 1, in the amount of \$111,000 to 12/15/98 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 6/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 88P-067G
Brandywine Pointe Development
Brandywine Pointe Partners, principal

Located abutting the northeast margin of Shute Lane and both margins of Rachel Way.

Resolution No. 98-365

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 88P-067G, Bond No. 98BD-042, Brandywine Pointe Development, in the amount of \$98,500 to 9/1/98 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 3/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 93P-019G
Lakeridge, Phase 3
B & P Developments, principal

Located abutting the northeast corner of Lakeridge Run, approximately 225 feet southeast of Lakeridge Pass.

Resolution No. 98-366

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 93P-019G, Bond No. 97BD-016, Lakeridge, Phase 3, in the amount of \$265,000 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 95P-002G
Heritage Meadows, Phase 2
B & P Developments, Inc., principal

Located abutting both margins of Andrew Donelson Drive and both margins of Pakenhams Retreat.

Resolution No. 98-367

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 95P-002G, Bond No. 97BD-067, Heritage Meadows, Phase 2, in the amount of \$282,000 to 5/15/99 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 11/15/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 96S-187U
Enchanted Hills, Section 5, Phase 2
Odell Binkley, principal

Located abutting the north terminus of Enchanted Circle, approximately 367 feet north of Golden Hill Drive

Resolution No. 98-368

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96S-187U, Bond No. 96BD-040, Enchanted Hills Section 5, Phase 2 in the amount of \$254,900 to 6/1/99 subject to submittal of a letter from the RLI Insurance Company by **6/28/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 97S-143U
Aberdeen Farms, Phase 1
Zaring Homes, Inc., principal

Located abutting the south margin of Oakley Drive, opposite West Fork Court.

Resolution No. 98-369

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-143U, Bond No. 98BD-002, Aberdeen Farms, Phase 1, in the amount of \$468,500 to 6/1/99 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 12/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 97S-147G
Richard Gleaves Subdivision
Richard K. Gleaves, principal

Located abutting the southwest margin of Earhart Road and the east terminus of Chestnutwood Trail.

Resolution No. 98-370

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-147G, Bond No. 97BD-029, Richard Gleaves Division, in the amount of \$10,000 to 12/1/98."

Request for Bond Release:

Subdivision No. 66-84-U
Lexington, Phases 2 and 3
South Atlantic Income Properties of TN LLC, principal

Located abutting the east margin of Old Hickory Boulevard, opposite Ridgelake Parkway.

Resolution No. 98-371

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 66-84-U, Bond No. 97BD-034, Lexington, Phases 2 & 3 in the amount of \$698,000."

Subdivision No. 79-87-P
Calumet, Phase 5
James T. McLean, Sr., principal

Located abutting the northeast corner of Calumet Drive and Roundwood Drive.

Resolution No. 98-372

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 79-87-P, Bond No. 97BD-012, Calumet, Phase 5 in the amount of \$37,000."

Subdivision No. 79-87-P
Calumet, Phase 6
James T. McLean, Sr., principal

Located abutting the northwest margin of Roundwood Forest Drive, opposite Calumet Drive.

Resolution No. 98-373

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 79-87-P, Bond No. 97BD-063, Calumet, Phase 6 in the amount of \$12,000."

Subdivision No. 93P-016G
Traceside, Section 5
Centex Real Estate Corporation, principal

Located abutting both margins of Deer Estate Drive and both margins of Deerbrook Drive.

Resolution No. 98-374

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-016G, Bond No. 96BD-047, Traceside, Section 5 in the amount of \$25,000."

Subdivision No. 93P-016G
Traceside, Section 6
Centex Real Estate Corporation, principal

Located abutting both margins of Traceway Drive, approximately 450 feet northeast of Deerbrook Drive.

Resolution No. 98-375

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-016G, Bond No. 96BD-048, Traceside, Section 6 in the amount of \$25,000."

Subdivision No. 93P-019G
Lakeridge, Phase 2
B & P Developments, Inc., principal

Located abutting the west margin of Bell Road, opposite Lincoya Bay Drive.

Resolution No. 98-376

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-019G, Bond No. 95BD-104, Lakeridge, Phase 2 in the amount of \$20,750."

Subdivision No. 93P-019G
Lakeridge, Phase 4
B & P Developments, Inc., principal

Located abutting the east margin of Wemberton Drive, approximately 120 feet north of Elm Hill Pike.

Resolution No. 98-377

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-019G, Bond No. 97BD-014, Lakeridge, Phase 4 in the amount of \$39,300."

MANDATORY REFERRALS:

Proposal No. 98M-055U
Chester Avenue and Pennington Avenue Closures
Map 72-15
Subarea 5 (1994)
District 7 (Campbell)

A proposal to close Chester Avenue between the west property line of Parcel 231 on Map 72-15 and Pennington Avenue, and to close Pennington Avenue between Chester Avenue and the north property line of Parcel 227 on Map 72-15. (Easements are to be retained).

Resolution No. 98-378

"BE IT RESOLVED by the Metropolitan Planning Commission that it **conditionally APPROVES (8-0)** Proposal No. 98M-055U:

Approval is conditioned upon a plat consolidating all landlocked parcels created by the closure of these streets being approved by the Planning Commission and put to record."

Proposal No. 98M-056U
Hillsboro Road at Old Hickory
Boulevard Sewer Relocation
Map 158, Parcel 33
Subarea 10 (1994)
District 33 (Turner)

A request from the Department of Water Services for the acquisition of an easement to relocate an 8" sewer line (Project No. 98-SG-52) located on Old Hickory Boulevard at the intersection of Hillsboro Road (CIBP No. 96-SG-0005).

Resolution No. 98-379

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-056U.

Proposal No. 98M-061U

Council Bill No. 098-1217
Airport Satellite Parking Expansion
Map 108, Parcel 168
Subarea 13 (1996)
District 13 (French)

A request from the Airport Authority to acquire 0.42 acres of real property on Donelson Pike near the I-40 interchange for the purpose of expanding the Satellite Automobile Parking Lot.

Resolution No. 98-380

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-061U.

Proposal No. 98M-062U
Green Hills Library Property Acquisition
Map 117-11, Parcel 85
Subarea 10 (1994)
District 25 (Kleinfelter)

A request from the Director of Public Property to exercise an option to purchase .82 acres of real property located at 3611 Benham Avenue on which to construct the new Green Hills branch of the Metropolitan Public Library.

Resolution No. 98-381

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (8-0)** Proposal No. 98M-062U.

This concluded the items on the consent agenda.

SUBAREA 14 PLAN AMENDMENT PUBLIC HEARING.

Mr. Fawcett stated this is a public hearing to consider an amendment to the Subarea 14: 1995 Update Plan. This proposed amendment of the Subarea 14: 1995 Update Plan is for an area along Lebanon Pike, east of Lebanon Pike Circle.

The existing land use policies applied to the area include Residential Low-Medium density, which provides for a range from 2 to 4 dwelling units per acre; Commercial Arterial Existing, which provides for a mixture of retail, office and residential uses; and Industrial and Distribution, which includes wholesaling, warehousing, distribution and showroom uses.

Staff's recommendation is to extend the Commercial Arterial Existing policy and the Industrial and Distribution policy eastward.

Staff's analysis leading to this recommendation included factors relating to growth projections, market trends, land use and zoning patterns, site suitability and public facilities. Over the period 1990 to 2015, the plan expects less than 200 additional occupied residences for the statistical area which includes properties affected by the proposed amendment. Employment growth for the same period and area expects under 400 additional jobs. Excluding the properties affected by the proposed land use policy change, there are

sufficient vacant and underutilized properties nearby to accommodate residential development well in excess of the projected residential growth.

Market trends show demand for residential use in this area to be stagnant. A comparison of the 1980 and 1990 Census information shows that both occupied and total residential dwellings declined slightly over the period. Additionally, there has been no significant residential construction in the area since 1990. This is notable in light of the fact that the 18 year period from 1980 to 1998 includes two intervals of robust residential growth for Davidson County as a whole.

Existing land use serves to illustrate an emerging demand for commercial and industrial use in this area. In recent years, the Commission and Council have approved zoning proposals to accommodate commercial and office development on the south side of Lebanon Pike to a point east of Clovernook Drive. Development at a moderate but sustained rate has subsequently occurred in this area, including a large warehouse-showroom facility nearing completion at this time.

Changing the land use policy from residential to commercial and industrial is expected to have only a modest effect on the provision of public facilities. With regard to transportation, commercial uses will primarily draw from traffic already there but industrial uses will generate additional truck traffic.

Staff concludes from weighing these factors that the most satisfactory land use pattern will come from commercially developing the south side frontage of Lebanon Pike at a modest intensity which will be compatible with the continued residential use of the north side frontage. Site suitability along with existing land use are primary factors in reaching this conclusion. Applying the Commercial Arterial Existing land use policy to the south side frontage of Lebanon Pike with the intent to implement the policy using the Mixed Use Neighborhood, Commercial Neighborhood, and Office Neighborhood zoning districts will form a satisfactory land use transition between residential use on the north side of Lebanon Pike and industrial use on the remainder of the south side properties. The south side properties have usable depths of nearly 900 feet between Lebanon Pike and Mill Creek. This is sufficient to accommodate both the Commercial Arterial Existing and Industrial and Distribution policies.

Councilmember Roy Dale stated that it was his request that the Planning Commission look at this area and that he did not feel this area was conducive to residential development. The Commercial Arterial and the Industrial needs to expand and that is the only viable development that has occurred in that area. He asked the Commission for approval as presented by staff.

No one else was present to speak during the public hearing.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 98-382

“Whereas, the Metropolitan Planning Commission adopted the Subarea 14 Plan: 1995 Update on March 7, 1996; and

Whereas, Chapter 3 Section 3 on Page 76 of this plan contains a Commercial Arterial Existing land use policy for Area 11F which calls for mixed commercial and residential land uses; and

Whereas, Chapter 3 Section 3 on Page 81 of this plan contains an Industrial and Distribution land use policy for Area 14D; and

Whereas, a public hearing was held on May 28, 1998 to consider the merits of expanding Area 11F and the adjoining portion of Area 14D eastward; and

Whereas, the Commission finds that this change is warranted so as to provide additional opportunities for mixed commercial, residential and industrial activities along Lebanon Pike;

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 1 to the Subarea 14 Plan: 1995 Update as set forth in "Attachment A" to this resolution and incorporates this amendment into the Subarea 14 Plan: 1995 Update.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-004T

Adjustments to the Zoning Regulations, proposed by the Commission staff and the Zoning Administrator.

Mr. Owens stated this proposal was for the proposed amendments to the Zoning Regulations that became effective on January 1, 1998. Council decided to give these new regulations a six month review period prior to considering any amendments. He explained some of the suggested changes regarding churches, industry, manufacturing uses, flood plain manipulation, tree protection, signs and rooming units, and asked the Commission to approve the amendments. Councilmember Garrett would file the bill to start the July 7, 1998, public hearing process.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-383

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves Zone Change Proposal No. 98Z-004T, a series of text amendments to Title 17 of the Metropolitan Code of Laws, the Zoning Code, as recommended by staff and the Zoning Administrator."

Zone Change Proposal No. 98Z-005T

Council Bill No. 098-1192

A council bill to amend Section 4.4 of the Zoning Regulations to permit garage, carport and yard sales as residential accessory uses, sponsored by Councilmember Eileen Beehan.

Mr. Owens stated staff was recommending disapproval of this proposal because of the way the bill was written. This bill allows yard sales five days each year per occupant. Staff is philosophically in agreement to add controls to yard sales in residential areas. However, staff feels the bill should be more limited in how many sales per year are allowed, and should place greater restrictions on consignment sales, that is, sale of merchandise for persons who are not a resident of the property. Staff suggested the Commission recommend the staff's version to address this problem.

Mr. Lawson moved Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-384

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-005T is **DISAPPROVED (8-0)**:"

While in support of the intent of this ordinance to regulate yard sales in residential areas, the Commission recommends that the Council consider alternative language contained in a

comprehensive packaged amendments to the Zoning Regulations being forwarded from the Commission and Zoning Administrator.”

Zone Change Proposal No. 98Z-077G

Map 142, Parcel 12 (3.08 acres)
Map 128 Part of Parcel 140 (.17 acres)
Subarea 6 (1996)
District 23 (Crafton)

A request to change from ON to RM9 District, a portion of property located at 8108 and 8118 Sawyer Brown Road, north of Memphis Bristol Highway (3.25 acres), requested by Chris Magill of R. Chris Magill Architects, LLC, appellant for Hazel McNeil and Gary Brown, owners. (Deferred from meeting of 5/14/98).

Proposal No. 88P-034G and 98P-003G

Bellevue Professional Park and Bellevue Assisted Living
Map 142, Parcel 12
Map 128, Parcel 140
Subarea 6 (1996)
District 23 (Crafton)

A request to cancel a portion of the existing Commercial (General Planned Unit Development District, (Proposal No. 88P-034G) and to grant preliminary approval for a new Planned Unit Development District (98P-003G) abutting the east margin of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive (3.2 acres), classified ON and proposed for RM9 to permit the development of a 76 unit assisted living facility, requested by R. Chris Magill - Architects, for Gaius Hill, authorized agent for Hazel Brown, owner. (Deferred from meeting of 5/14/98).

Mr. Delaney stated this proposal was to rezone property from ON to RM9, to cancel the northern most portion of the Commercial PUD and to place a new Residential PUD on top of the RM9 zoning to permit a 76 unit assisted living facility. This item was deferred at the last meeting because one of the property owners within the Commercial PUD said they had not had any discussions about this proposal. Since the last meeting the applicant has met with that property owner and the only remaining issue is a joint access easement out to Sawyer Brown Road.

Chairman Smith stated the Commission was caught short by procedure at the last meeting regarding the rule that does not require notification to all members of a PUD for changes and asked if that had been taken into consideration in the Zoning Ordinance.

Mr. Owens stated staff did not feel it was appropriate to put it in the Zoning Regulations and are suggesting that it be incorporated into the Planning Commission Rules and Procedures.

Ms. Nielson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-385

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-077G is **APPROVED (8-0)**:

The RM9 zoning provides a suitable land use transition from the Bellevue Mall to the single-family residential area to the east.”

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal Nos. 88P-034G and 98P-003G is given **APPROVAL OF THE CANCELLATION OF A PORTION OF THE**

**COMMERCIAL PUD AND CONDITIONAL APPROVAL OF THE NEW PUD, BOTH
REQUIRING COUNCIL CONCURRENCE (8-0).** The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Approval by the Metropolitan Council of the PUD cancellation and the new Planned Unit Development District.”

Zone Change Proposal No. 98Z-084G
Map 56, Part of Parcel 37
Subarea 3 (1992)
District 1 (Patton)

A request to change from AR2a to CL District, a portion of property located at 5110 Ashland City Highway, corner of Old Hickory Boulevard/Ashland City Highway (1.81 acres), requested by William E. Kantz Jr., appellant for Perry T. Hamm et ux, owners. (Deferred from meeting of 5/14/98).

Ms. Regen stated this item had been deferred from the last meeting and that the applicant had sent a letter expressing his agreement with the CL zoning. Staff is recommending approval, since the CL zoning is more appropriate than CS for the neighborhood services which are needed in this sparsely populated part of the county.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-386

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-084G is **APPROVED (8-0)**:

The Subarea 3 Plan envisions neighborhood retail uses at this intersection. The existing CS district is not consistent with this policy since it permits certain community-scale commercial activities such as auto-repair, self-service storage, and auto-dealerships. Rezoning the existing CS portion of the property to CL, plus the increased commercial (CL) depth, is an incremental step forward toward achieving the subarea plan’s neighborhood retail policy at this intersection of two major arterial roads.”

Zone Change Proposal No. 98Z-090U
Map 83-3, Parcel 63
Subarea 5 (1994)
District 7 (Campbell)

A request to change from CN to CL District property located on Greenwood Avenue (unnumbered), at the intersection of Greenwood Avenue/Porter Road (.26 acres), requested by Ronnie Brown, appellant, for William Norris, owner.

Ms. Regen stated staff was recommending disapproval of this proposal. This request is to change this property from CN to CL. CN is Commercial Neighborhood intended for neighborhood scale small uses. The CL is typically along arterials like Gallatin Road or Nolensville Road. The property falls within the Subarea 5 Plans residential low-medium policy. In 1994 the Commission disapproved a request to rezone this piece of property to CS but was rezoned by Council. In the January 1, 1998 re-mapping effort it was rezoned to CL. Staff received a letter from Councilmember Earl Campbell stating the applicant had made

improvements to the property in order to put an auto repair shop on the property and is asking for the Commission's approval.

Mr. Ronnie Brown stated he had a business approximately two blocks away that had been destroyed by the tornado on April 16, 1998. This property has been abandoned for 7 years and has been remodeled at a cost of \$11,000.00. This property was an old service station and cannot be used for anything else except a service station or a repair shop.

Councilmember Garrett asked that since this was closed up would it fall into the grandfathered category.

Ms. Regen stated this would not qualify as a legally nonconforming use.

Councilmember Garrett asked if whatever was there before was nonconforming.

Ms. Regen stated it was.

Representative Bill Boner stated that years ago this property was a filling station and a repair shop and for the last 7 years it has been an eye sore to the community. Two blocks away from this location, within the past year, another auto repair shop has been opened. This rezoning will not change the complexion of the community. The Traffic Commission has noted this would have no negative impact to the area.

Chairman Smith asked if the railroad had to be crossed to get into the property.

Representative Boner stated it did not and that it ran beside the property.

Councilmember Garrett stated this was a hardship situation because of the tornado.

Mr. Lawson stated that if the Commission found basis to approve this particular situation it should go on record as something that differentiates it because just because something was a gas station 10 years ago it should not necessarily be a gas station today. This should be looked at as an exception due to a hardship and the Commission should go on record as that rather than bending the policy.

Ms. Warren stated the railroad takes away a lot from the neighborhood and that CL would be appropriate there because the property could not be used for anything else.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-387

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-090U is **APPROVED (8-0) subject to applicant purchase of subject property:**

The Commission determined that it would be appropriate in this particular instance to broaden the scope of commercial zoning on this property (to CL) to allow this applicant to continue the same use that was in operation earlier due to the unique circumstances involved with the April 16th tornado."

Zone Change Proposal No. 98Z-094G

Map 181, Parcel 163

Subarea 12 (1997)

District 31 (Alexander)

A request to change from AR2a to MUN District property located at 14184 Old Hickory Boulevard, approximately 1,200 feet east of Culbertson Road (5.33 acres), requested by Charles R. McNeill, appellant, for Charles R. McNeill et ux, owners.

Ms. Regen stated staff was recommending disapproval as contrary to the General Plan because this a spot zoning. This area is a rural residential area with residential low-medium land use policy. It is not an area intended for mixed use policy or any kind of commercial policy.

Mr. Charles McNeill, applicant, stated he owned a nursery at the present time on rental property and has lost two tractors within the past year due to theft, and needed to move. Since the government has elected to take the police out of that area and put them in the high crime areas from 11:00 p.m. to 7:00 a.m., there is no police protection in that area.

Chairman Smith explained to Mr. McNeill that the Commission was involved in land use, and unfortunately the hardships he was talking about was something the Commission could not do anything about.

Ms. Nielson moved and Mr. Harbison seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-388

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-094G is **DISAPPROVED** as contrary to the General Plan:

This property falls within the Subarea 12 Plan's Residential Low Medium (RLM) policy for this area, calling for up to 4 units per acre. Placing MUN zoning on this property would be a spot zone, violating the General Plan since mixed use zoning does not implement residential policy. Rezoning this property to MUN could likewise implicate adjacent properties along Old Hickory Boulevard, encroaching into this residential policy area. Commercial encroachment in the middle of this RLM policy could compromise the area's viability for future residential development."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 97P-033U
Greenwood Subdivision
Map 162, Parcels 93, 167 and 233
Subarea 12 (1997)
District 31 (Alexander)

A request for final approval of the Residential Planned Unit Development District abutting the west margin of Old Hickory Boulevard, approximately 700 feet south of Bell Road (9.96 acres), classified R10, to permit the development of 39 single-family lots, requested by Dale and Associates, for Mt. View L.L.C., owners. (Deferred from meeting of 5/14/98).

Mr. Delaney stated staff was recommending disapproval of this request because the final PUD proposal does not include a street stub out to property to the north. This stub out was a required feature of the preliminary plan. Mr. Delaney stated there was an intent to amend the stub out from the preliminary plan; however, that was never done. The Planning and Traffic and Parking staff have concern that curves in Old Hickory Boulevard may limit access to these properties. Therefore access from this subdivision is important.

Mr. Roy Dale, project engineer, stated several changes had been made to the preliminary plan, including rearrangement of drainageways and extension of utilities. Mr. Dale asked the Commission to approve the final plan with all of the changes.

Chairman Smith stated the Commission's main concern was not to have small isolated areas that are not serviceable by the infrastructure. The Commission is obligated to ensure a connected street pattern that can serve the entire county as well as preserve neighborhoods.

Mr. Bodenhamer asked if there was any problem with the curve in Old Hickory Boulevard.

Mr. Dale stated that if the adjacent piece of property were developed it would have its own access so there will be an access point there. This adjacent piece of property would not develop with its primary access through another subdivision. That is not going to happen. Whether there is a connection to this subdivision or not, there will be an access on Old Hickory Boulevard and that should not be the Commission's primary focus.

Ms. Nielson stated the Commission needed to continue to remember the need for emergency access to the property.

Mr. Harbison agreed and stated it is not just a matter of looking at the technicalities, it is a matter of looking at the county transportation needs as a whole. If the Commission does not do that no one will.

Ms. Warren commended Mr. Dale for working with the neighborhood, but stated the street needed to be opened up.

Councilmember Garrett asked if this was not approved would it have to go back before the Council and go through the readings again.

Mr. Dale stated that was his next step.

Ms. Warren stated that she thought the people who wanted the closed road are not the people that are buying the lots now. It is the ones in Cedarview, Cedarview and Cedarview which are adjacent.

Chairman Smith stated that approximately once a year the Commission has an extra session to discuss this particular issue so as not to be pressed with a single issue so it can be looked at with a broader view. Perhaps it would be a good time to do that again since there are a couple of commissioners joining.

Ms. Nielson asked technically what could the Commission do.

Mr. Browning stated the staff report indicated that the PUD was approved with the road connection. The Commission is bound by the preliminary plan. Mr. Dale can ask the Council to amend the PUD, to amend the street connection out.

Mr. Harbison moved and Mr. Warren seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-389

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 97P-033U is given **DISAPPROVAL (8-0):**

The basis for disapproval is the final plan inconsistency with the approved preliminary plan."

Councilmember Garrett Left at 3:10, at this point in the agenda.

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-176G (Public Hearing)

Stirling Cross Subdivision
Map 172, Parcel 144
Subarea 12 (1997)
District 31 (Alexander)

A request for preliminary approval for 123 lots abutting the north margin of Holt Road, approximately 1,390 feet east of Edmondson Pike (38.79 acres), classified within the RS10 District, requested by Marvin and Iva Jinnette, owners, Danco Development, Inc., developer, Arrowhead Survey, surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to providing a center left turn lane from Holt in accordance with the applicant's traffic study. This is a cluster lot development and meets all of the regulations in the Zoning Ordinance regarding cluster lot subdivisions. Because it was more than 100 lots they did have to prepare a traffic study. They are proposing all access from Holt Road because of topography.

Mr. Gary Batson, engineer for the development, spoke in favor of the project and stated he would work with Mr. Grimm, a concerned neighbor, addressing landscaping and any other concerns he may have.

Mr. Rick Grimm, neighbor, expressed concerns regarding access, traffic and noise.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 98-390

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-176G, is **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS (7-0):**

1. approval of preliminary plans by the Department of Public Works; and
2. provision of a left turn lane in Holt Road at the project entrance.”

Subdivision No. 98S-177U (Public Hearing)

Hickory Highland Place, Section 2
Map 163, Parcel 371
Subarea 13 (1996)
District 28 (Hall)

A request for preliminary approval for 87 lots abutting the northeast terminus of Highlander Drive, approximately 170 feet northeast of Winton Drive (29.94 acres), classified within the RS7.5 and RM20 Districts, requested by Hickory Highlands, LLC, owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Ms. Carrington stated the applicant has requested a deferral until June 11, 1998, and staff is in support of that deferral in order to allow him more time to resolve drainage issues, and the staff more time to review the slope analysis which was recently submitted.

Mr. Harbison moved and Mr. Lawson seconded the motion, which carried unanimously, to leave the public hearing open and defer this matter for two weeks.

Final Plats:

Subdivision No. 98S-133U
Rohney and Linda Boyd
Map 61-15, Parcels 231 and 232
Subarea 5 (1994)
District 8 (Hart)

A request to consolidate one lot and a portion of two other lots into one lot abutting the southeast margin of Gallatin Pike, approximately 145 feet southwest of Norvel Avenue (.48 acres), classified within the CL District, requested by Rohney and Linda Boyd, owners/developers, Daniels and Associates, Inc., surveyor. (Deferred from meetings of 4/30/98 and 5/14/98).

Ms. Carrington stated staff was recommending disapproval of this application. The petitioner is seeking to make the plat of his property reflect his current ownership. That would require platting one original lot and portions of two other lots into his proposed platted lot. This procedure would leave the remainder of the other two lots in an unresolved state. For this reason staff is recommending disapproval of this plat.

Ms. Carrington state staff had worked with the Department of Law to derive a solution to this problem. Staff had proposed approving any plat which reflected ownership on September 1, 1964, the date Metro Council adopted maps which recognized land ownership for purposes of recognizing building sites. The property in question, however, was not consolidated within one ownership until 1965, and therefore, does not meet this test.

In this particular case, part of their property on the south was a deed parcel in 1956. The applicant is requesting permission to put a second building on that portion of their property. While platting cannot be approved for the entire property, staff has verified with the Department of Codes that it can issue permits for construction of the building on the portion of the property which was consolidated prior to 1964. This meets the immediate needs of the petitioner.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-391

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-133U, is **DISAPPROVED (7-0):**

The Commission determined that the proposed plan of subdivision would serve to invalidate other portions of the 1929 plat not owned by the applicant. The scope of any replatting must encompass all lots potentially affected by that platting.”

Subdivision No. 98S-166U
W. H. Dodd's Subdivision
Map 60-12, Parcel 120
Subarea 5 (1994)
District 4 (Majors)

A request for final plat approval to subdivide one parcel into two lots abutting the south margin of Hart Lane, approximately 597 feet east of Capitol View Avenue (.84 acres), classified within the RS10 District, requested by George M. and Brenda M. Ewin, III, owners/developers, L. Steven Bridges, Jr., surveyor. (Deferred from meeting of 5/14/98).

Ms. Carrington stated staff was recommending approval of this application. This issue is similar to the one above, except that all of the property being proposed for platting was consolidated into one ownership prior to the 1964 date.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-392

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-166U, is **APPROVED (7-0).”**

Subdivision No. 98S-170A

Wellington Park, Revision of Lot 7

Map 130-8-E, Parcel 7

Subarea 10 (1994)

District 34 (Fentress)

A request to amend the side setback line from 8 feet to 1.2 feet on a lot abutting the north margin of Wellington Court, approximately 360 feet northwest of Harding Place (.18 acres), classified within the R20 Residential Planned Unit Development District, requested by Marjories S. Evers, owner/developer.

Ms. Carrington stated staff was recommending disapproval. This application is in a PUD where adjoining side yards were required to have 8 foot and 2 foot setbacks for a total of ten feet of separation. The applicant is requesting to have only a one foot setback. A deck was built on the side of the house without a building permit. Walls were built as well, in violation of building codes and the zoning ordinance, and without required building permits. The petitioner is now asking to roof over the structure to construct a sunroom. Staff pointed out to the Commission that this lot was the subject of considerable drainage problems in this subdivision, and that further violation of this side yard could worsen those drainage problems.

Mr. Kenny Johnson, representing the property owner, stated the plat that was shown to the Commission with the courtyard that staff is saying was built without a permit was included in the permit that was used to build the original home. There may be a little gray area as to whether this was built with or without a permit. The stucco wall comes up about 6 feet and does not allow any access to the rear of the property by the fire department. He asked to enclose that area because it already exists and stated he had approval from the homeowners association and also from the adjacent property owners. This situation seems to be “no fault no foul” because it is really not hurting anyone.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-393

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-170A, is **DISAPPROVED (7-0).”**

Subdivision No. 98S-172G

Pine Forest, Section 1

Map 128, Part of Parcel 159

Subarea 6 (1996)

District 23 (Crafton)

A request for final plat approval to create 34 lots abutting the northwest margin of George E. Horn Road, approximately 425 feet northeast of Dunaway Drive (16.69 acres), classified within the R40 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Anderson-Delk and Associates, surveyor.

Ms. Carrington stated staff was recommending conditional approval subject to the inclusion of the street connection to the west in Section 2 and posting of a bond in the amount of \$787,000 for the extension of public utilities and construction of roadways. Staff is asking that the Commission concur in requiring the street connection in the next phase of the subdivision.

Chairman Smith asked if the developer had agreed to that.

Ms. Carrington stated he had not agreed to this phasing plan, but had not stated he could not or would not construct in this area next.

Mr. Browning stated the staff was referring to the completed phase as Phase 1 and is recommending to the Commission the next phase developed must be the part that connects to the street network to the existing subdivision to the west.

Ms. Warren stated the developer is proposing developing lots to the right and staff is saying he should go to the left.

Mr. Browning stated Ms. Warren was correct and the Planned Unit Development Provisions and the Subdivision Regulations give the Commission the power to require a phasing plan from a developer.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-394

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-172G, is **APPROVED SUBJECT TO A BOND OF \$787,000.00 AND STREET CONNECTION TO INDIAN SPRINGS DRIVE WITH THE NEXT PHASE OF DEVELOPMENT (7-0).”**

Request for Bond Extension:

Subdivision No. 31-86-P

Whitworth, Phase 3, Section 2

Clements-Bartosh Interests, LLC, principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Ms. Carrington stated staff was recommending disapproval of extension of this bond and authorization for collection unless final paving and sidewalks are completed by September 1, 1998. In this case build out is at 74% and completion of one additional house would put them at the 75% threshold.

Chairman Smith asked why the staff was asking for authorization to collect when the developer was only at 74%.

Mr. Valie C. Brooks, area resident, expressed concerns regarding water flow, drainage, landscaping and not following through with commitments of the original plan.

Mr. Jim Armstrong explained the changes that had been made from the first developer to the next one and stated that the bond did not cover any of the public infrastructure that Mr. Brooks was referring to.

Mr. Harbison moved and Ms. Warren seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-395

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 31-86-P, Bond No. 94BD-094, Whitworth, Phase 3, Section 2, in the amount of \$22,500 to 9/1/98 subject to submittal of an amendment to the present Letter of Credit by **6/28/98** which extends its expiration date to 3/1/99. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**"

Subdivision No. 91P-007G
Sunset Oaks, Section 3
B & P Developments, Inc., principal

Located abutting the east margin of Tulip Grove Lane, opposite Sunset Way.

Ms. Carrington stated staff was recommending disapproval for an extension and asking for authorization to collect unless final paving and sidewalks are completed by September 1, 1998. In this case build out is at 79%.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-396

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 91P-007G, Bond No. 96BD-032, Sunset Oaks, Section 3, in the amount of \$33,000 unless final paving and sidewalks are complete by 9/1/98."

Subdivision No. 95P-002G
Heritage Meadows, Phase 1
B & P Developments, Inc., principal

Located abutting the east margin of Andrew Jackson Parkway, between Rachels Square Drive and Netherland Drive.

Ms. Carrington stated staff was recommending disapproval for an extension and asking for authorization to collect unless final paving and sidewalks are completed by September 1, 1998. Build out is at 84%.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-397

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 95P-002G, Bond No. 95BD-006, Heritage Meadows, Phase 1, in the amount of \$75,000 unless final paving and sidewalks are complete by 9/1/98."

Subdivision No. 95S-367G
Chase Pointe, Section 1
Jean Spain, principal

Located abutting the west margin of Union Hill Road, approximately 1,088 feet north of Clay Lick Road.

Ms. Carrington stated staff was recommending disapproval for an extension and asking for authorization to collect unless final paving and sidewalks are completed by September 1, 1998. Build out is at 100%.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-398

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 95S-367G, Bond No. 95BD-096, Chase Pointe, Section 1, in the amount of \$10,000 unless final paving and sidewalks are complete by 9/1/98."

Subdivision No. 97S-114U
Hunters Run, Section 2
Butler Developers LLC, principal

Located abutting the east margin of Una-Antioch Pike, opposite Richards Road.

Ms. Carrington stated staff was recommending disapproval for an extension and asking for authorization to collect unless final paving and sidewalks are completed by September 1, 1998. Build out is at 100%

Ms. Nielson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-399

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **DISAPPROVES** the request for extension and authorizes collection of a performance bond for Subdivision No. 97S-114U, Bond No. 97BD-018, Hunters Run, Section 2, in the amount of \$12,000 unless final paving and sidewalks are complete by 9/1/98."

OTHER BUSINESS:

1. Election of Officers.

Mr. Gilbert Smith was unanimously elected Chairman and Mr. James Lawson was unanimously elected Vice Chairman and Parks Board representative.

2. Fiscal Year '98 Third Quarter Work Program/Budget Status Report.

This item was deferred for two weeks.

3. Summer Intern Contract for LaRhonda Odom.

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously to approve the following resolution:

Resolution No. 98-400

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the intern contract for LaRhonda Odom from June 1, 1998 through August 31, 1998.

4. Music Row Coordinating Committee Update. (Deferred from meeting of 5/14/98).

Mr. Jeff Lawrence updated the Commission on the relocation of the Hall of Fame from its current location on Music Row to the Arena Campus.

5. Report from Commissioner James Lawson on Chamber of Commerce intercity visit to Denver, Colorado. (Deferred from meeting of 5/14/98).

Mr. James Lawson compared population, land area, unemployment rates, and per capita income to Nashville and reported on education, regional transportation, intercity development, public order and safety.

6. Legislative Update.

This item was deferred for two weeks.

PLATS PROCESSED ADMINISTRATIVELY:

May 14, 1998 through May 27, 1998

- | | |
|-----------------|---|
| 97S-376G | CEDAR BLUFF, Phase 2B, First Revision
Adding a public utility and drainage easement |
| 98S-135U | TAIGAN'S COURT, Lot 15, First Revision
Added an easement |
| 98S-158G | MULLINS SUBDIVISION, Resubdivision of Lot 2
Subdivides one lot into two lots |
| 98S-161U | CHARLOTTE PARK COMMERCIAL AREA, Section 1,
Lot 3, First Revision
Consolidates one lot and one parcel into one lot |

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 5:40 p.m.

Chairman

Secretary

Minute Approval:

This 11th day of June, 1998